

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE: WELLS FARGO WAGE AND HOUR  
EMPLOYMENT PRACTICES LITIGATION  
(No. III)**

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§  
§  
§

**MULTI-DISTRICT LITIGATION  
CASE NO. 4:11-md-2266**

**DECLARATION OF DIANA E. MARSHALL**

1. I make this Declaration pursuant to 28 U.S.C. § 1746. I am over the age of eighteen years, capable of making this Declaration and fully competent to make this Declaration. I have personal knowledge of the facts stated, and they are true.

2. My colleague, Ronald C. Lewis, and I practice in the law firm of Marshall & Lewis LLP, and we serve as attorneys appointed as Plaintiffs' co-counsel in the above-captioned matter. We have worked as members of the team directed and coordinated by co-lead counsel, Paul Yetter and Reagan Simpson of Yetter Coleman LLP, and Rhonda H. Wills, of The Wills Law Firm, and with additional co-counsel, John M. Padilla.

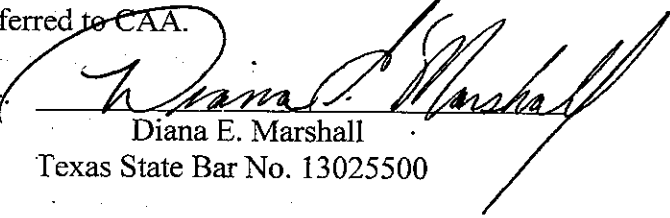
3. In support of this Declaration, I attach and incorporate the brief resumes of Diana E. Marshall and Ronald C. Lewis. I believe these brief resumes reflect that Mr. Lewis and I have the requisite experience to provide quality advice and service in connection with complex litigation. I have spent over 40 years working within a team structure to assist clients involved in major litigation, with 21 years at the law firm of Baker Botts LLP. I was employed at Baker Botts from 1973 and became a partner in the trial department in 1980, departing to form a small litigation firm in 1994. Mr. Lewis also worked on major litigation for over 20 years and was a partner in the trial department at Baker Botts LLP. The professional recognition Mr. Lewis and I have been honored

to receive will not be restated here, as they are referenced in the brief resumes and were summarized in the original application to the Court.

4. During the course of this litigation, from approximately September of 2011 to the time of the mediation in December of 2013, and continuing to the present, Mr. Lewis and I have provided assistance to the team effort in connection with specific projects as allocated by lead counsel, in addition to reviewing and revising motions and briefs made necessary by the course of the proceedings. As presented in the original application to the Court, the hourly fee to be charged by "senior trial counsel" is \$550 per hour, and "trial counsel" is at the rate of \$400 - \$475 per hour. I am not acting as lead counsel and am thus not billing at the senior trial counsel rate. My customary rate is a minimum of \$500 per hour, and Mr. Lewis has a customary rate of \$475 per hour; however for this matter, my rate is \$475 and Mr. Lewis' rate is \$425 per hour. We are providing our services in this matter at a discount to our usual rates. The rate of \$475 for my time and \$425 for Mr. Lewis' time are rates within the lower range of those charged for attorneys, with less experience, providing similar services in the Houston vicinity, and are reasonable for the services provided.

5. The time we spent was reasonable and necessary to the representation of the Chaplin and Richardson Plaintiffs and the opt-in Plaintiffs. To date, we have expended a total of 621 hours; 199 hours for Mr. Lewis and 422 hours for me. We have incurred reasonable and necessary expenses in the total amount of \$3,946.88; \$95.10 for Research Charges and \$3,851.78 for Website Name Reservation, Development Packages, Support for Notice Communications, Fees to Website Services, ultimately transferred to CAA.

Dated this 24<sup>th</sup> day of March, 2014.

  
Diana E. Marshall  
Texas State Bar No. 13025500

Marshall & Lewis LLP  
1010 Lamar, Suite 450  
Houston, Texas 77002

## DIANA E. MARSHALL

### Background

Diana Elizabeth Marshall, born Odessa, Texas, March 15, 1948; Admitted to bar, 1973, Texas; Preparatory education, University of North Texas (B.A., 1971); Legal education, University of Texas (J.D., 1973)

### Professional

<b>BAKER &amp; BOTTS, L.L.P.</b>	1973 - 1979, Associate
<b>BAKER &amp; BOTTS, L.L.P.</b>	1980 - 1994, Partner
<b>SCHECHTER &amp; MARSHALL, L.L.P.</b>	1994 - 1999
<b>THE MARSHALL LAW FIRM</b>	1999 - 2006
<b>MARSHALL &amp; LEWIS LLP</b>	2006 - Present, Founding Partner

Practice Areas: Admitted to practice in state and federal courts, including the Southern, Western, and Eastern Districts of the United States District Courts. Admitted to practice in the Fifth Circuit Court of Appeals. Practice includes both state and federal matters covering a wide variety of subjects, representing both plaintiffs and defendants. In addition to litigation, practice includes service as an arbitrator, mediator, jury consultant, attorney fee legal auditor, and expert witness.

### Board Certification

Board Certified as a Civil Trial Specialist  
Texas Board of Legal Specialization, State Bar of Texas  
Mediation Training, Certification Completed

### Recognition

*Top Five Women Trial Lawyers in America* - Time Magazine  
*50 Most Influential Women Attorneys in the U. S.* – National Law Journal  
*Women Men Fear* - Houston Press  
Fellow of The American College of Trial Lawyers  
American Board of Trial Advocates  
American Law Institute  
“Super Lawyer,” as designated by Law and Politics magazine and Texas Monthly

### Participation

Invited presenter/speaker on trial advocacy and litigation topics at local, state and national levels including: two segments on Court TV, “Anatomy of a Trial”; The Smithsonian Institute, “The American Trial Lawyers - Performance” permanent collection; The American Bar Association - Litigation Section, Annual Program; and, numerous speeches for the State Bar of Texas, The State Bars of Nevada, Louisiana, Arkansas, California and various law schools and professional associations.

### Contact

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